

REMARKS

The claims remaining in the present application are Claims 1-39. Claims 1, 22, and 36 have been amended. No new matter has been added as a result of these amendments.

35 U.S.C. §102

Claims 1, 4-6, 10, 12-13, 15-20, 22-24, 32-33, 36, and 39 are rejected under 35 U.S.C. §102 as being unpatentable over Nessett et al. U.S. Pat. No. 5,968,176 (hereinafter, Nessett). The rejection is respectfully traversed, for the reasons below.

CLAIM 1

Amended Claim 1 recites:

A system for providing a firewall to a communication device, said system comprising:
a first device comprising a hardware implemented firewall, said first device coupled to a host device that is coupled to said communication device for establishing a connection to a network;
logic residing in said system other than on said communication device to allow said communication device to establish a connection to the network said first device is in said system, wherein said first device allows said host device to connect to said network using said communication device that does not itself have a firewall capability that is required by the network; and
said system configured to cause data transferred by the communication device to be processed by said firewall.

Anticipation under 35 U.S.C. §102 requires the presence, in a single prior art reference, disclosure of each and every element of the claimed invention, arraigned as in the claim. Applicants respectfully submit that Nessett fails to disclose each and every element of the claimed invention, arraigned as in the claim. Applicants have claimed a first device that allows a communication device to establish a connection to a network even though the communication device

does not itself have firewall capability that is accepted by a network to which the communication device is attempting to establish a connection.

The rejection asserts that the repeater is the communication device that establishes a connection to a network. However, a repeater is not a device that establishes a connection to a network. Rather, a repeater is a network device that repeats signals from one cable onto one or more other cables and may also restore signal timing and waveforms and boost signal strength.

Moreover, the communication device in Claim 1 is recited as not having firewall capabilities that are required by the network. In contrast, the repeater that Nessett teaches is a part of a distributed firewall system, as the repeater enforces that part of the policy that is pertinent to those systems and networks devices whose traffic might traverse the repeater (col. 3, 46-48). Therefore, Nessett teaches a repeater with firewall capabilities that are required by the system.

For the foregoing reasons, the Nessett's repeater does not teach or suggest the communication device.

Applicants further note that the NIC that Nessett teaches does not have all the properties of the communication device in Claim 1. Although Nessett's NIC may qualify as a device for making a connection to a network, the NIC that Nessett teaches has firewall capabilities that are required by the network. This is clearly so as Nessett teaches that the NIC

is a part of the distributed firewall system. Therefore, the NIC cannot qualify as the claimed communication device.

For the foregoing reasons, Applicants respectfully assert that Nessett fails to teach or suggest a first device that allows a communication device that does not itself have firewall capabilities that are accepted by a network to be used to establish a connection to the network.

Claim 1, as amended further recites, "logic residing in said system other than on said communication device to allow said communication device to establish a connection to the network provided said first device is in said system, wherein said first device allows said host device to connect to allow said communication device to establish a connection to the network provided said first device is in said system."

It appears that the rejection is asserting that the logic in the system that allows the communication device to establish the connection to the network is security logic, such as requiring a password or token card. However, such logic does not allow a connection under the condition that, for example, the modem or NIC is present. That is, the presence of the modem or NIC is not the condition upon which access is based. Rather, the condition taught by Nessett is that the token itself is present or that the password has been provided.

The rejection also appears to argue that without a NIC, no connection could be made to the network. However, Claim 1 recites logic that expressly

conditions access on the presence of the first device. The claimed limitation of the logic which conditions access would be understood by one of ordinary skill in the art to require that the logic perform some sort of test. However, the rejection appears to merely assert that the mere presence of the NIC is what is relevant, without any teaching in Nessett regarding the logic performing some test to meet the claimed 'providing' limitation.

For the foregoing reasons, the Applicants respectfully assert that Nessett fails to teach or suggest, "logic residing in said system other than on said communication device to allow said communication device to establish a connection to the network provided said first device is in said system."

CLAIM 22

Amended Claim 22 recites, in part:

a) allowing a connection to said network to be established when said host device uses said network interface device without the required firewall capability only if a firewall device comprising a hardware implemented firewall is coupled to said host device.

Applicants note that applying the reasoning in the rejection from Claim 1 to Claim 22, it would appear that the rejection would equate Nessett's NIC with the claimed firewall device and Nessett's repeater with the claimed network interface device. However, as previously discussed, the repeaters in Nessett are not network interface devices, as Applicants have claimed.

Applicants further note that if a different analysis of Nessett is pursued such that the NIC that is taught by Nessett were to be considered versus the network interface device claimed in Claim 22, then Nessett's NIC clearly does not read on the claimed network interface device. This is because, as previously discussed, the NIC taught in Nessett has firewall capabilities required by the network.

For the foregoing reasons, Nessett fails to teach or suggest the limitations of Claim 22. Consequently, Applicants respectfully request allowance of Claim 22.

CLAIM 36

Claim 36 recites, in part:

first logic for allowing said network connection to be established using said communication device if said firewall device is coupled to said communication device, wherein said firewall device allows a connection to said network using said communication device even if said communication device does not have a firewall capability that is required by the network.

For reasons discussed in the response to Claim 1, it is respectfully submitted that Claim 36 is not anticipated by Nessett. As such, allowance of Claim 36 earnestly solicited.

Dependent Claims

Claims 4-6, 10, 12-13, 15-20, 23-24, and 32-33, and 39 depend from Claims 1, 22, and 36, which are believed to be allowable for the above reasons. As such the

rejection of Claims 4-6, 10, 12-13, 15-20, 23-24, and 32-33, and 39 has been overcome and their allowance is respectfully requested.

35 U.S.C. §103

Claims 2, 8, 9, 11, 21, 25, and 34

Claims 2, 8, 9, 11, 21, 25, and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nessett in view of Gleichauf et al. U.S. Pat. No. 6,324,656 (Gleichauf). The rejection is respectfully traversed, for the reasons below. The limitations in Claims 2, 8, 9, 11, 21, 25, and 34 are neither disclosed nor suggested in Nessett or Gleichauf, alone or in their combination.

For the reasons discussed in the response to Claim 1, Nessett fails to teach or suggest “logic residing in said system other than on said communication device to allow said communication device to establish a connection to the network said first device is in said system, wherein said first device allows said host device to connect to said network using said communication device that does not itself have a firewall capability that is required by the network”, as claimed. Gleichauf fails to remedy this deficiency of Nessett in that Gleichauf fails to teach or suggest this claimed limitation. As such, the combination of Nessett and Gleichauf fails to teach or suggest the limitations of Claim 1. As Claims 2, 8, 9, 11, and 21 depend from Claim 1, these claims are believed to be allowable.

For the reasons discussed in the response to Claim 22, Nessett fails to teach or suggest “allowing a connection to said network to be established when said host device uses said network interface device without the required firewall

capability only if a firewall device comprising a hardware implemented firewall is coupled to said host device,” as claimed in Claim 22. Gleichauf fails to remedy this deficiency of Nessett in that Gleichauf fails to teach or suggest this claimed limitation. As such, the combination of Nessett and Gleichauf fails to teach or suggest the limitations of Claim 22. As Claims 25 and 34 depend from Claim 22, these claims are believed to be allowable.

Therefore, it is respectfully submitted that Claims 2, 8, 9, 11, 21, 25 and 34 are neither shown nor rendered obvious by the Nessett or Gleichauf references, alone or in combination.

Claim 3

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nessett in view of Gleichauf, and in further view of Servi, U.S. Patent No. 5,278,904 (hereinafter, Servi). The rejection is respectfully traversed, for the reasons below. The limitations in Claim 3 are neither disclosed nor suggested in Nessett, Gleichauf, or Servi, alone or in their combination.

For the reasons discussed in the response to Claim 1, Nessett fails to teach or suggest “logic residing in said system other than on said communication device to allow said communication device to establish a connection to the network said first device is in said system, wherein said first device allows said host device to connect to said network using said communication device that does not itself have a firewall capability that is required by the network”, as claimed. Gleichauf fails to remedy this deficiency of Nessett in that Gleichauf fails to teach or suggest this claimed

limitation. Servi also fails to remedy this deficiency of Nessett in that Servi fails to teach or suggest this claimed limitation. As such, the combination of Nessett, Gleichauf, and Servi fails to teach or suggest the limitations of Claim 1. As such Claim 3, which depends from Claim 1, is believed to be allowable.

Claim 7

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nessett in view of Servi. The rejection is respectfully traversed, for the reasons below. The limitations in Claim 7 are neither disclosed nor suggested in Nessett or Servi, alone or in their combination.

For the reasons discussed in the response to Claim 1, Nessett fails to teach or suggest "logic residing in said system other than on said communication device to allow said communication device to establish a connection to the network said first device is in said system, wherein said first device allows said host device to connect to said network using said communication device that does not itself have a firewall capability that is required by the network", as claimed. Servi fails to remedy this deficiency of Nessett in that Servi fails to teach or suggest this claimed limitation. As such, the combination of Nessett and Servi fails to teach or suggest the limitations of Claim 1. As such Claim 7, which depends from Claim 1, is believed to be allowable.

Claim 14

Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nessett in view of Dempsey, U.S. Patent No. 5,826,048. The rejection is respectfully

traversed, for the reasons below. The limitations in Claim 14 are neither disclosed nor suggested in Nessett or Dempsey, alone or in their combination.

For the reasons discussed in the response to Claim 1, Nessett fails to teach or suggest “logic residing in said system other than on said communication device to allow said communication device to establish a connection to the network said first device is in said system, wherein said first device allows said host device to connect to said network using said communication device that does not itself have a firewall capability that is required by the network”, as claimed. Dempsey fails to remedy this deficiency of Nessett in that Dempsey fails to teach or suggest this claimed limitation. As such, the combination of Nessett and Dempsey fails to teach or suggest the limitations of Claim 1. As such Claim 14, which depends from Claim 1, is believed to be allowable.

Claim 26

Claim 26 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nessett in view of Gleichauf, in further view of Watson, U.S. Patent No. 5,475,839. The rejection is respectfully traversed, for the reasons below. The limitations in Claim 26 are neither disclosed nor suggested in Nessett, Gleichauf, or Watson, alone or in their combination.

For the reasons discussed in the response to Claim 1, Nessett fails to teach or suggest “allowing a connection to said network to be established when said host device uses said network interface device without the required firewall capability only if a firewall device comprising a hardware implemented firewall is

coupled to said host device,” as claimed in Claim 22. Gleichauf fails to remedy this deficiency of Nessett in that Gleichauf fails to teach or suggest this claimed limitation. Watson fails to remedy this deficiency of Nessett in that Watson fails to teach or suggest this claimed limitation. As such, the combination of Nessett, Gleichauf, and Watson fails to teach or suggest the limitations of Claim 22. As Claim 26 depends from Claim 22, Claim 26 is believed to be allowable.

Claims 27 and 28

Claims 27 and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nessett in view of Gleichauf, in further view of Fischer, U.S. Patent No. 5,475,826. The rejection is respectfully traversed, for the reasons below. The limitations in Claims 27 and 28 are neither disclosed nor suggested in Nessett, Gleichauf, or Fischer, alone or in their combination.

For the reasons discussed in the response to Claim 1, Nessett fails to teach or suggest “allowing a connection to said network to be established when said host device uses said network interface device without the required firewall capability only if a firewall device comprising a hardware implemented firewall is coupled to said host device,” as claimed in Claim 22. Gleichauf fails to remedy this deficiency of Nessett in that Gleichauf fails to teach or suggest this claimed limitation. Fischer fails to remedy this deficiency of Nessett in that Fischer fails to teach or suggest this claimed limitation. As such, the combination of Nessett, Gleichauf, and Fischer fails to teach or suggest the limitations of Claim 22. As Claims 27 and 28 depend from Claim 22, Claims 27 and 28 are believed to be allowable.

Claims 29, 30 and 35

Claims 29, 30 and 35 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nessett in view of Gleichauf, in further view of Daniel, U.S. Patent No. 4,823,345. The rejection is respectfully traversed, for the reasons below. The limitations in Claims 29, 30, and 35 are neither disclosed nor suggested in Nessett, Gleichauf, or Daniel, alone or in their combination.

For the reasons discussed in the response to Claim 1, Nessett fails to teach or suggest "allowing a connection to said network to be established when said host device uses said network interface device without the required firewall capability only if a firewall device comprising a hardware implemented firewall is coupled to said host device," as claimed in Claim 22. Gleichauf fails to remedy this deficiency of Nessett in that Gleichauf fails to teach or suggest this claimed limitation. Daniel fails to remedy this deficiency of Nessett in that Daniel fails to teach or suggest this claimed limitation. As such, the combination of Nessett, Gleichauf, and Daniel fails to teach or suggest the limitations of Claim 22. As Claims 29, 30, and 35 depend from Claim 22, Claims 29, 30, and 35 are believed to be allowable.

Claim 31

Claim 31 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nessett in view of Gleichauf, in further view of Uceda-Sosa et al., U.S. Patent No. 6,496,840. The rejection is respectfully traversed, for the reasons below. The limitations in Claim 31 are neither disclosed nor suggested in Nessett, Gleichauf, or Uceda-Sosa, alone or in their combination.

For the reasons discussed in the response to Claim 1, Nessett fails to teach or suggest "allowing a connection to said network to be established when said host device uses said network interface device without the required firewall capability only if a firewall device comprising a hardware implemented firewall is coupled to said host device," as claimed in Claim 22. Gleichauf fails to remedy this deficiency of Nessett in that Gleichauf fails to teach or suggest this claimed limitation. Uceda-Sosa fails to remedy this deficiency of Nessett in that Uceda-Sosa fails to teach or suggest this claimed limitation. As such, the combination of Nessett, Gleichauf, and Uceda-Sosa fails to teach or suggest the limitations of Claim 22. As Claim 31 depends from Claim 22, Claim 31 is believed to be allowable.

Claim 37

Claim 37 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nessett in view of Fischer. The rejection is respectfully traversed, for the reasons below. The limitations in Claim 37 are neither disclosed nor suggested in Nessett or Fischer, alone or in their combination.

For the reasons discussed in the response to Claim 1, Nessett fails to teach or suggest, "first logic for allowing said network connection to be established using said communication device if said firewall device is coupled to said communication device, wherein said firewall device allows a connection to said network using said communication device even if said communication device does not have a firewall capability that is required by the network," as claimed in Claim 36. Fischer fails to remedy this deficiency in Nessett. As such, the combination of Nessett and Fischer

fails to teach or suggest the limitations of Claim 36. As Claim 37 depends from Claim 36, Claim 37 is believed to be allowable.

Claim 38

Claim 38 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nessett in view of Servi. The rejection is respectfully traversed, for the reasons below. The limitations in Claim 38 are neither disclosed nor suggested in Nessett or Servi, alone or in their combination.

For the reasons discussed in the response to Claim 1, Nessett fails to teach or suggest, “first logic for allowing said network connection to be established using said communication device if said firewall device is coupled to said communication device, wherein said firewall device allows a connection to said network using said communication device even if said communication device does not have a firewall capability that is required by the network,” as claimed in Claim 36. Servi fails to remedy this deficiency in Nessett. As such, the combination of Nessett and Servi fails to teach or suggest the limitations of Claim 36. As Claim 38 depends from Claim 36, Claim 38 is believed to be allowable.


CONCLUSION

In light of the above listed amendments and remarks, reconsideration of the rejected Claims is requested. Based on the arguments and amendments presented above, it is respectfully submitted that Claims 1 - 39 overcome the rejections of record and, therefore, allowance of Claims 1 - 39 is solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicants invite the Examiner to contact the Applicants' undersigned representative at the below listed telephone number.

Dated: 2/27, 2004

Respectfully submitted,
WAGNER, MURABITO & HAO LLP


Ronald M. Pomeranke
Registration No. 43,009

Address:

WAGNER, MURABITO & HAO LLP
Two North Market Street
Third Floor
San Jose, California 95113

Telephone:

(408) 938-9060 Voice
(408) 938-9069 Facsimile